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GRAND RAPIDS

Judge dismisses felony charges against 4 Michigan corrections officers

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Four Michigan Department of Corrections officers were cleared of felony charges in their response to a violent inmate. (MLive File Photo)

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By John Agar | jagar@mlive.com

IONIA COUNTY, MI – A judge dismissed felony charges against four corrections officers whose response to a violent inmate allegedly caused serious injuries.

Jordan Csernyik, 23, Ray Thomas Rubley, 33, Andrew Ray Carr, 39, and Al-Ani Mustafa, 44, were charged with misconduct in office, a five-year felony, and aggravated assault, a one-year misdemeanor.

Ionia County District Judge Raymond Voet on Friday, May 23, dismissed the felony charges during a preliminary examination but let stand the assault charges.

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The officers were charged in late February after inmate John Callaghan, 27, attacked Csernyik, who was monitoring the food line at Bellamy

Creek Correctional Facility.

Callaghan threw trays at Csernyik's face and began punching him. Csernyik swung him to the ground and eventually used a Taser. Other officers hit and kicked Callaghan in what they said were efforts to control a resisting inmate.

The ordeal lasted less than a minute. The inmate had broken vertebrae in his lower back and broken bones in his face and hand.

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In the daylong hearing in Ionia County District Court, the prosecution called multiple witnesses, including Callaghan, the inmate, a state police detective sergeant who led the investigation, and a Michigan Department of Corrections lieutenant, inspector and use-of-force expert.

Ionia County Prosecutor Kyle Butler admitted into evidence an MDOC video of the incident, photographs of the inmate's injuries, medical records and MDOC's policy manual and use-of-force protocol.

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“Uncontroverted testimony from the MDOC expert supported that each defendant violated MDOC policy and the use of force policy in various ways and degrees when handling the inmate,” Butler said in a statement.

Defense attorneys – Jeffrey Foldie, Andrew Lapres and Eric Matwiejczyk - have contended that their clients followed MDOC policy in responding to an unexpected, violent and premeditated attack.

Foldie, who represents Csernyik and Carr, said that he believed Callaghan suffered most of his injuries in the initial take down, when he and Csernyik landed on the concrete floor.

Foldie told MLive/The Grand Rapids Press that the judge determined that the prosecution did not prove the officers had corrupt intent.

“We believe, as we had from the beginning, that the prosecution tried to use a violation of employee policy to establish a crime, a

dangerous precedent. Judge Voet, as the gatekeeper to the trial court, did not allow that to happen, thankfully," he said.

He said that if the prosecutor does not dismiss the aggravated-assault charge, he will prepare for a jury trial.

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"Indeed, the Judge, (from) the bench publicly declared that if this misdemeanor case came before him, he would direct a directed verdict in favor of the defense, and take it away from the jury," Foldie said.

The officers have been fired but Foldie said he believes that the Michigan Corrections Organization is going to challenge that decision in arbitration.

The defendants are free on personal-recognizance bonds.

The incident happened July 7 in a Level IV wing at the prison, just below maximum security,

housing those convicted of serious crimes or considered management problems, Foldie said earlier.

It was an “appropriate response to a deadly force attack on my client, Mr. Csernyik. … (Callaghan) got a food tray and took a step, a foot or so from Csernyik, and started throwing punches.”

Both prosecution and defense said that Callaghan attacked the officer so that he would be moved after his cellmate said he planned to sexually assault him that day.

He was serving six years, three months in prison for a 2020 conviction for second-degree arson in Grand Traverse County. He was convicted in 2024 of possessing a weapon in prison and felonious assault.

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He was sentenced in December to one year, six months in prison for the assault on prison staff.

MDOC asked state police to investigate after an internal review which led to the criminal charges.

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